MINUTES – Opening Remarks

Planning Commission Meeting: February 9, 2026

The Planning Commission convened at 7:00 p.m. to meet in regular session with **Chairman Wayne Janner** presiding. Commissioners Taylor Breen, Tony Bergida, Keith Brown, Ken Chapman, Megan Lynn, and Jim Terrones were present. Commissioners Chip Corcoran and Scott Seeling were absent.

Recited Pledge of Allegiance.

Chair Janner made introductory comments. Regarding ex parte communication, the Chair requested that if a commissioner has something to report, they specify the nature of the ex parte communication when that item is reached in the agenda.

Chair Janner referenced the Planning Commission Consent Agenda, which includes two items. Chair Janner noted the Applicant requested to speak, so FP25-0035 would be pulled for separate discussion.

He asked if separate discussion or additional information was needed regarding Item A of the Consent Agenda. Hearing none, he called for a motion.

A motion to approve MN26-0126, Planning Commission meeting minutes of January 26, 2026, was made by **Commissioner Breen** and seconded by **Commissioner Chapman**. The motion passed 7 to 0.

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Application:	**FP25-0035:** A final plat for Parkside Reserve, Seventh Plat, containing 37 lots and three (3) tracts on approximately 13.36 acres, located southeast of W. 167th Street and S. Mur-Len Road.

At the request of the Applicant, Item B, FP25-0035, was pulled from the Consent Agenda.

Chair Janner introduced FP25-0035, a request for final plat approval for Parkside Reserve 7th Plat, located southwest of 167th Street and Black Bob Road.

He opened the public hearing in accordance with the Unified Development Ordinance 18.40.160 D and invited City staff to present first.

Ms. Lauren Winter, Planner I, presented the staff report. She described the subject property, noting that it represented the seventh phase of the Parkside Reserve subdivision, originally approved under a 2022 preliminary plat. She explained the subdivision's access plan, the role of Brougham Drive as a north-south connection to the west side of the subdivision, and the phasing plan approved with the rezoning [RZ22-0002]. Ms. Winter noted that RZ22-0002 was approved with a stipulation stating, "Phasing for the development will occur as indicated on the phasing plan dated March 8, 2022." Ms. Winter then presented that the plat proposed 37 single-family lots on 13.36 acres, including public right-of-way dedication, easements, and open space tracts. Ms. Winter clarified that the final plat process does not override existing zoning stipulations or improvement requirements, and must conform to the preliminary plat and Municipal Code as stated in UDO 18.40.160.E.

She concluded by stating that staff recommended approval of FP25-0035 with a stipulation requiring construction of Brougham Drive adjacent to the property and connection to an existing arterial or collector street, in accordance with City Council Policy PI-3 – Public Improvements. She further explained staff's recommendation was in accordance with the UDO and City Council Policy PI-3 (Resolution 93-1119):

> *Section A.(1). "Developers of any land within the City of Olathe shall be responsible for the installation and expense of constructing any and all streets within and/or adjacent to their development."*

> *Section A. (3). "If a tract of land has been platted, or platting is not required, but has not contributed to the improvement of arterials, the improvement of adjacent streets and arterials shall be assured prior to the issuance of a building permit through compliance as stated in paragraph (2) above."*

She then made herself available for questions.

No questions were raised for staff at that time.

Chair Janner invited the Applicant to present.

Mr. Brian Rodrock, 9550 Dice Lane, Lenexa, Kansas 66215, introduced members of his development, engineering, and legal teams. He explained that the Applicant team believed the City staff stipulation would require construction of a road on property on another corporation's property, which prompted their request to address the Commission. He then deferred to legal counsel.

Mr. Deron Anliker, **Duggan, Shadwick, Doerr & Kurlbaum, 9101 W. 110th Street, Suite 200, Overland Park, KS 66210,** attorney for the Applicant, addressed the Planning Commission and explained that the Applicant objected to the stipulation requiring construction of Brougham Drive, arguing that it would obligate the developer to build an off-site improvement on land owned by another party. He stated that such a requirement was not included during prior rezoning or preliminary plat approvals. He said most of Brougham Drive section is on property that is not owned by 175 Partners, LLC (but by Stonebridge Land & Cattle LLC instead) and that constructing only a partial road would result in an impractical, disconnected street. Mr. Anliker further noted that previous phases within the same subdivision, with more than 30 lots, had been approved without a secondary access point. He asserted that City Council Policy PI-3 did not require developers to construct improvements on land they did not own. He requested approval of the final plat without the stipulation but asked, at minimum, that the Commission take action that evening so the matter could proceed to City Council without delaying the project schedule.

Chair Janner asked Commissioners if they had questions for the Applicant.

Commissioner Bergida asked for clarification regarding the Applicant's request to proceed with approval even if the stipulation remained, which **Mr. Anliker** confirmed.

No further questions were raised.

Chair Janner asked if any members of the public wished to speak on the item, and none did. He then invited staff to provide rebuttal comments.

Mr. Chet Belcher, Chief Community Development Officer, stated that the stipulation reflected a standard requirement for developers to construct adjacent infrastructure and

that such requirements were not always explicitly listed as stipulations as they are standard development requirement policies. He explained that Staff included the stipulation in this case because the Applicant had requested an opportunity to address the matter.

In response to clarification sought by Chair Janner, **Mr. Belcher** confirmed that the issue primarily concerned the validity of the stipulation and that City Council would ultimately review the matter.

Commissioner Breen asked whether the requirement had simply not been previously stated because standard requirements such as those were not typically listed.

Mr. Belcher confirmed that was the case. He clarified that the stipulation on tonight's proposed plat was added atypically, because the Applicant wanted an opportunity to address and speak regarding that requirement.

Commissioner Bergida asked whether the requirement involved construction on land not owned by the applicant and asked if there were other similar situations.

Mr. Belcher clarified that the stipulation did not require off-site construction on third-party property as the requirement was to connect to an existing collector or arterial road. He explained there was an opportunity to the south to connect to the south through land under the developer's control.

Commissioner Lynn asked for clarification regarding whether construction of the northern segment of Brougham Drive was required.

Mr. Belcher explained that the requirement was for connectivity, fire access, and access to the amenity package, noting the number of lots and limited access (one access point) without the roadway in question.

After confirming there were no further questions, **Chair Janner** entertained a motion to close the public hearing.

Commissioner Bergida moved to close the hearing, and **Commissioner Chapman** seconded. The motion passed 7 to 0.

With no further discussion raised, **Chair Janner** then asked for a motion on FP25-0035.

Commissioner Chapman moved to approve the final plat FP25-0035 as stipulated by staff, and **Commissioner Breen** seconded the motion.

A roll call vote was taken, with all commissioners voting in favor. **Chair Janner** also voted yes, stating that while the Applicant raised valid concerns, the matter was more

appropriately addressed by City Council. The motion passed unanimously, 7–0 with the following stipulation:

1. Brougham Drive must be constructed adjacent to this platted property, and Brougham Drive must connect to an existing arterial or collector street in accordance with City Council Policy, PI-3 – Public Improvements.

MINUTES – Closing Remarks

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Chair Janner reminded Commissioners there would be a joint meeting with the City Council on Monday, March 2nd at 5:30 pm in the Downtown Library Flexbox for a final review of the proposed Elevate Olathe Comprehensive Plan.

Meeting adjourned.